

**Declaration, Power of Attorney, and Petition**

As a below named inventor, I/we hereby declare that:

My/Our residence, post office address and citizenship is/are as stated below next to my/our name(s),

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  
SHORT PULSE MID-INFRARED PARAMETRIC GENERATOR FOR SURGERY, the specification of which (*check one*)

☐ is attached hereto; or

☒ was filed on March 14, 1997 as Application Serial No. 08/816,097 and was amended on \_\_\_\_\_ (if applicable); or

**PCT FILED APPLICATION ENTERING NATIONAL STAGE**

☐ was described and claimed in International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended on \_\_\_\_\_ (if applicable).

I/We hereby state that I/we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above, and that it contains a full, clear, concise and exact description of the subject matter for which a patent is sought.

I/we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

☐ (Check if applicable) I/We hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s)**

Priority Claimed?

(Number)	(Country)	Day/month/year filed	Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	Day/month/year filed	Yes	No

☒ (Check if applicable) I/We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I/we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

08/549,385	October 27, 1995	Pending
(Application Serial No.)	(Filing Date)	Status (Patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	Status (Patented, pending, abandoned)

☐ (Check if applicable) I/We hereby authorize the U.S. attorneys or agents named herein to accept and follow instructions from \_\_\_\_\_ as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys or agents named herein and myself/ourselves. In the event of a change, I/we will notify in writing the U.S. attorney or agent named herein.

☐ (Check if applicable) In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I/we hereby appoint:

Allen D. Brufsky, Reg. No. 21,056  
Barry Kramer, Reg. No. 20,622  
Michael P. Dilworth, Reg. No. 37,311  
Scott D. Wofsy, Reg. No. 35,413  
Immac J. Thampoe, Reg. No. 36,322

of the firm of CUMMINGS & LOCKWOOD, whose address is Four Stamford Plaza, P.O. Box 120, Stamford, Connecticut 06904-0120, as my/our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all written correspondence to the following address:  
CUMMINGS & LOCKWOOD  
Four Stamford Plaza, P.O. Box 120  
Stamford, CT 06904-0120  
Fax (203) 351-4534,

Telephone Calls should be directed to Barry Kramer, by dialing (203) 351-4522.

Wherefore I/we pray that Letters Patent be granted to me/us for the invention or discovery described and claimed in the foregoing specification and claims, and I/we hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

**Full name of sole or first inventor:** William B. TELFAIR  
**Residence:** 3997 Starview Drive, San Jose, CA 95124  
**Citizenship:** USA  
**Post Office Address:** 3997 Starview Drive, San Jose, CA 95124  
**Inventor's signature** *William B. Telfair*

**Date** 6/10/97

**Full name of second joint inventor:** Hanna J. HOFFMAN  
**Residence:** 1049 Metro Circle, Palo Alto, CA 94303  
**Citizenship:** USA  
**Post Office Address:** 1049 Metro Circle, Palo Alto, CA 94303  
**Second Inventor's signature** *Hanna J. Hoffman*

**Date** 6/11/97

☒ (Check if applicable) ATTACHED IS ADDED PAGE TO DECLARATION, POWER OF ATTORNEY, AND PETITION FOR SIGNATURE BY THIRD AND SUBSEQUENT INVENTORS.

**Added Page to  
Declaration, Power of Attorney, and Petition  
for Signature by Third and Subsequent Inventors**

**Full name of third joint inventor, if any:** Henry ZENZIE

Residence: 145 High Street, Chelmsford, MA 01824

Citizenship: USA

Post Office Address: 145 High Street, Chelmsford, MA 01824

Fourth Inventor's signature Henry A. Zenzie

Date 6/25/97

**Full name of fourth joint inventor, if any:** Peter MOULTON

Residence: 142 The Valley Road, Concord, MA 01742

Citizenship: USA

Post Office Address: 142 The Valley Road, Concord, MA 01742

Third Inventor's signature Peter Moulton

Date 6/16/97

**Full name of fifth joint inventor, if any** \_\_\_\_\_

Residence \_\_\_\_\_

Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

Fifth Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Applicant or Patentee: William B. Telfair, et al. Attorney's 483540.001  
Serial or Patent No.: 08/549,388 Docket No. RV-101  
Filed or Issued: 10/27/95  
For: APPARATUS FOR REMOVING CORNEAL TISSUE WITH INFRARED LASER RADIATION

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN IR Vision, Inc.  
ADDRESS OF CONCERN 3997 Starview Drive  
San Jose, CA 95124

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled by inventor(s) described in

- ☐ the specification filed herewith  
☒ application serial no. 08/549,385, filed 10/27/95  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING William B. Telfair  
TITLE OF PERSON OTHER THAN OWNER President  
ADDRESS OF PERSON SIGNING 3997 Starview Dr., San Jose, CA 95124

SIGNATURE William B. Telfair

DATE 11/29/96